
BZA-1844
AT&T MOBILITY
Special Exception

STAFF REPORT
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REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, with consent of owners, is requesting a special exception to expand a previously approved primary communications tower (BZA-1671) in the A zone. The current proposal would allow up to four carriers (The previous special exception allowed up to three.) to locate inside the existing easement area. The request would also allow the placement of a proposed generator and would allow any future generators to serve the equipment sheds without requiring a new special exception as long as they can locate within the fenced-in easement area. The property is located at 7422 W 350 N, in Shelby 01 (NE) 23-6. (UZO-3-2)

AREA ZONING PATTERNS:

This 80' x 80' site was rezoned by the County Commissioners from AA to A on July 6, 2004 (Z-2185) specifically for this tower. Later that same month, the ABZA approved BZA-1671, the original special exception for this primary communications tower.

All surrounding land on the north side of CR 350N is zoned AA; land across the road is zoned AW and FP. The Board has heard and approved two other special exceptions for a single cell tower within a three mile radius of this request (BZA-1578). The first request permitted the tower and the second request increased the tower height to 295'.

AREA LAND USE PATTERNS:

This site is located behind a farm residence with several outbuildings. The 80' x 80' easement area is mostly dirt and gravel. The area is typified by flat to gently rolling farmland/woods with single-family homes scattered throughout.

TRAFFIC AND TRANSPORTATION:

CR 350 N is classified as a rural local road. Access to the site is provided by a 20' wide easement utilizing the residence's existing driveway. According to the petition, 1 car per month, on average, has visited the site for maintenance and technical reasons.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

No well or septic are required for this use.

A 20' utility easement to CR 350N is shown on the eastern side of the home site to provide electric service to the equipment sheds and tower.

STAFF COMMENTS:

Petitioner is proposing the installation of an emergency power generator to service the existing equipment shed. Additionally the number of permitted equipment sheds is increasing by one to permit a total of four sheds; the previous special exception permitted three equipment sheds although only one has been installed. The original request was approved based on the desire to improve reception on the US 52 corridor from Otterbein to West Lafayette.

A six-foot high fence with barbed wiring is surrounding the compound and two secured gates permit access to the easement area. A single light is installed on the equipment cabinet and the tower is lit per FAA requirements. Based on previous requests for cell towers each shed requires a single light illuminating the entrance.

At its meeting on November 16, 2011 the Area Plan Commission voted that granting this request would not substantially adversely affect the Comprehensive Plan.

Regarding the ballot items:

1. Section 3.1 of the Unified Zoning Ordinance **DOES** authorize the special exception for this use in this zoning district.

And it is staff's opinion that:

2. The requirements and development standards for the requested use as prescribed by the Unified Zoning Ordinance **WILL** be met. All setbacks, fencing and lighting are shown on the site plan as required.
3. Granting the special exception **WILL NOT** subvert the general purposes served by the Ordinance. The ordinance permits primary communication towers in the Agricultural zone. The increasing demand for cell service in remote areas of the county will only increase as more people stop having land lines.
4. Granting the special exception **WILL NOT** materially and permanently injure other property or uses in the same district and vicinity because of:
 - a. Traffic generation: according to the petition only 1 car per carrier will visit the site for monthly maintenance and technical reasons.
 - b. Placement of outdoor lighting: Based on previous special exceptions a single light is adequate to serve each shed installed at the door of the equipment cabinet and the tower is lit per FAA requirements. This lighting should not be intrusive to surrounding uses.
 - c. Noise production: The petition states that the main source of noise from this request will be from the air conditioning units on the equipment buildings.
 - d. Hours of operation: As with most cell towers, the facility will operate 7 days a week, 24 hours a day.

STAFF RECOMMENDATION:

Approval